

Committee: Strategic Development Committee	Date: 14 th September 2006	Classification: Unrestricted	Report No.	Agenda Item No. 5
Report of: Head of Democratic Renewal and Engagement Originating Officer: Louise Fleming		Title: Procedure for Hearing Objections Ward(s) affected: N/A		

1. SUMMARY

- 1.1 This report proposes a revised procedure for hearing objections at meetings of the Strategic Development Committee, following a request by that committee to review these procedures. The current procedure is attached at Appendix 1 to this report. A revised procedure is proposed and is attached at Appendix 2.

2. RECOMMENDATIONS

- 2.1 That the Strategic Development Committee adopts the revised procedure set out in Appendix 2 for hearing objections at its meetings.
- 2.2 That Development Committee be notified of this decision.

3. BACKGROUND

- 3.1 At its meeting on the 7th June 2006, the Development Committee agreed minor amendments to the procedure for hearing objections at meetings of the Development, Strategic Development and Olympics Development Committee which has been in place for a number of years.
- 3.2 The Strategic Development Committee, at its meeting on 19th July 2006, resolved that the procedure for hearing objections should be reconsidered at its next meeting as it was felt that a revised procedure would be more suitable for the types of applications which it considered.

4. CURRENT PROCEDURE

- 4.1 The current procedure permits one person to speak in objection to an application and one person to speak in support, for up to 5 minutes each. The objector will normally be a local resident and the supporter will normally be the applicant's agent. If more than one person wishes to speak, then a spokesperson is nominated.
- 4.2 There is also separate provision for Members of the Council, who are not members of the Committee, to speak on behalf of their local residents. This provision is set out in the Planning Code of Conduct which is in the Council's Constitution and is separate from this procedure.

**LOCAL GOVERNMENT ACT, 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

Brief description of *background paper*	Tick if copy attached	If not supplied, name and telephone number of holder
None		Louise Fleming Senior Committee Officer 020-7364 4878

5. PROPOSED PROCEDURE

- 5.1 At its meeting on 19th July 2006, the Strategic Development Committee felt that there would be merit in re-examining the procedure for hearing objections. Members felt that the Committee would be considering larger planning applications which would have more impact on the wider community and would attract more public interest. Therefore it was suggested that more than one objector, representing different views or areas of the community, be allowed to address the Committee.
- 5.2 In settling on an acceptable procedure members need to consider where an appropriate balance lies between allowing representations to be made to the Committee and not taking up so much time that the Committee is unable to conduct and conclude its business. Whilst it is important for the public to have an opportunity to address the committee, it is also important for members to have sufficient time to debate items before coming to a decision on them. In considering where to strike this balance officers have also looked at what neighbouring Councils' practices are (see part 6 below for a summary).
- 5.3 It was originally suggested that 3 speakers should be allowed for up to 3 minutes each with the applicant having the same length of time. This suggestion recognises that in allowing more speakers it is necessary to reduce the length of time allocated to each speaker so that there is still sufficient time for the committee to conduct its business. However this model would mean that on any item something like 20 minutes could be spent hearing representations (this calculation allows 30 seconds hand-over time between speakers). More time would be taken if there were also visiting members. This could absorb a significant amount of committee time and prevent the committee completing its business. An alternative would be to only allow 2 speakers as a matter of routine, with the chair having discretion to allow an additional speaker for very large and controversial items.
- 5.4 Below is a calculation of the percentage of time that would be taken out of a 3 hour meeting by three alternative models: the current arrangements, 2x3 minute slots for objectors and 3 x3 minute slots for objectors. The applicant or their supporters has the same length of time as objectors in the interests of fairness.

No of items with speakers	1	2	3	4	5
Current model	6%	12%	18%	24%	31%
2x3 minute model	8%	15%	23%	30%	38%
3x3 minute model	11%	22%	33%	44%	56%

- 5.5 It is suggested that the best model for providing sufficient opportunity for the public to address the committee, but still ensuring that it does not occupy so much time that the committee could struggle to complete its agenda is the 2x3 minute model. As stated earlier, the chair would always have discretion to allow additional speakers where an item was very large and controversial.
- 5.6 The recommended new procedure is attached at Appendix 2. The main changes are summarised as follows:
- 2 speaking "slots" for objectors, of 3 minutes each.
 - A single speaking "slot" for the applicant/supporter(s) of either 3 or 6 minutes – equivalent to time allowed for objectors.
 - Visiting ward councillors will be allowed to speak for up to 3 minutes each.

- The Committee Clerk should be notified in writing or by e-mail on the Friday prior to the meeting.
- Requests will be on a first come, first served basis (as with the current procedure).
- Requests made before the agenda has been published will not be accepted.
- The chair has discretion to vary the procedures for exceptional circumstances or in the interests of natural justice.

5.7 Ward councillors will be limited to 3 minutes each as Wards can have up to 3 members and more than one may want to speak.

5.8 The Committee Clerk should be given at least three working days notice of requests to speak (i.e. the Friday before the meeting) to enable all parties to be informed in time to make the necessary preparations before the meeting.

5.9 Requests are made on a first come first served basis at present. This is the fairest way to determine who the speakers will be at the meetings.

5.10 Requests made before the agenda has been made available to the public will not be accepted. This is to ensure that all objectors have time to read the report and decide if they want to speak and not be “beaten to it” by someone who has received advanced warning of the committee date.

5.11 If any items on the agenda are particularly controversial then the Chair would have the discretion to allow an additional speaker. This gives the procedure the necessary degree of flexibility to deal with exceptional circumstances.

6. NEIGHBOURING COUNCILS

6.1 Neighbouring Council’s currently operate the following procedures:

Newham 5 minutes for objector and 5 minutes for applicant. If there is more than one speaker then two people will be able to speak, *only* if they will be making different points. Usually objectors are asked to elect a spokesperson. The 5 minute limit still applies.

Hackney 5 minute slots for both objectors and supporters. If there is more than one person who wishes to speak, the 5 minute slot will be divided up among all the speakers. Multiple speakers will be asked to elect a spokesperson.

Greenwich 5 minutes split among all objectors wishing to speak and 5 minutes for applicant.

Southwark 3 minutes each for objector; applicant; supporter living within 100m of site; and ward councillor. If there is more than one person from any of the four categories permitted to speak then the 3 minutes will be split between them.

Lambeth 3 minutes split among all objectors wishing to speak and 3 minutes for applicant. More time allowed only on major applications.

Waltham Forest Up to 3 speakers (either objectors or supporters) for 3 minutes each; 3 minutes for the applicant; and 3 minutes for any visiting ward councillors.

7. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

- 7.1 Members may recall that a request was made at the last meeting of the Committee for the matters raised in this Agenda Item to be considered during the course of that meeting.
- 7.2 Knowles on Local Authority Meetings (Fourth Edition) summarises the Common Law requirements for agenda items to be made available for public inspection at least 5 clear days in advance of any proposed meeting.
- 7.3 In the case of urgent agenda items the chair of the committee needs to be persuaded that the item is urgent if he is to exercise his discretion to allow the agenda item to be heard.
- 7.4 As part of its continued review of planning procedures, the Assistant Chief Executive (Legal Services) in conjunction with the Director of Development and Renewal are working towards a form of relevant planning procedures to assist members in determining Planning Applications in the future.

**APPENDIX 1
DEVELOPMENT COMMITTEE
STRATEGIC DEVELOPMENT COMMITTEE
OLYMPICS DEVELOPMENT COMMITTEE**

PROCEDURE FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

1. The Clerk to the relevant committee must be informed at least 3 days prior to a meeting of an applicant's or objector's request to speak at the committee regarding a planning application on the agenda for determination at that meeting.
 - a) Applicants will not be expected to address a planning committee, where there are no objections to an application and where officers are recommending approval.
 - b) Where officers are recommending refusal of an application, requests to speak from applicants will be accepted and submitted to the relevant Chair/committee for ratification.
2. All requests to speak should be confirmed in writing or by e-mail, at least 3 days in advance of the meeting. This should confirm the details of the intended spokesperson and include contact telephone numbers.
3. Requests to speak will be submitted to the relevant committee through the Chair, and members must formally agree to permit a member of the public to speak.
4. Only one person will be permitted to speak in objection to an application, and one person will be invited to respond to the objection. This will usually be the applicant or their nominee. In the case of there being more than one objector, the Clerk should suggest that the objectors liaise prior to the meeting and choose a spokesperson to represent them.
5. Each spokesperson will be allowed no more than five minutes to address the committee. The distribution of additional information to Members at the meeting will not be permitted.
6. Committee members, at the discretion of the Chair, may ask questions of any spokesperson on points of clarification only.
7. At the close of a speaker's address and the question and answer session, if one is held, the spokesperson must take no further part in the proceedings of the meeting, unless directed by the Chair of the committee.
8. Every effort should be made to ensure applicants are informed of their right of reply, which will also be five minutes, if there are objectors wishing to speak against any application. This may be done through the planning officer.

**DEVELOPMENT COMMITTEE
STRATEGIC DEVELOPMENT COMMITTEE
OLYMPICS DEVELOPMENT COMMITTEE**

PROCEDURE FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 1) When a planning application is reported on the agenda as a Planning Application for Determination at one of the Council's Development Committees, objectors and the applicant/supporters will be able to address that Committee on any planning issues raised by the application, provided that they follow the procedures set out below.
- 2) For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- 3) All requests to address a Committee meeting should be confirmed in writing or by e-mail to the Committee Clerk by 4pm on the Friday prior to the meeting. This communication should confirm the details of the intended spokesperson and include contact telephone numbers. The Clerk will not accept requests before the agenda has been published. For objectors, the allocation of slots will be on a first come, first served basis. For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 4) The order for addressing committee will be:
 - a) Objector(s)
 - b) The applicant or supporter(s)
 - c) Non-committee Member(s) wishing to address the committee (limited to 3 minutes each)
- 5) These will all be verbal presentations only. The distribution of additional material or information to Members at the Committee is not permitted.
- 6) At the close of a speaker's address the person must take no further part in the proceedings of the meeting, unless directed by the Chair of the Committee.
- 7) Committee members, at the discretion of the Chair, may ask questions of any spokesperson on points of clarification only.
- 8) Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the Chair will ask the Committee if any Member wishes to speak against the application. If no Member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.
- 9) The Chair has the ability, at his/her discretion, to vary these procedures where there are exceptional circumstances or in the interests of natural justice.